

REMARKS

This case has been carefully reviewed and analyzed in view of the Official Action dated 24 January 2003 and the discussions held with the Examiners on 20 May 2003. The undersigned attorney wishes to thank the Examiners for the courtesies extended during the interview discussions. It is believed that the following paragraphs include all of the substantive discussions held at the interview relating to the Examiner's rejection in the Official Action dated 24 January 2003.

By this Amendment, Claims 1-2 and 8-14 have been cancelled. Additionally, new independent Claim 15 has been inserted to more clearly clarify the inventive concept of Applicant. Further, Claims 3-7 have been amended to provide proper dependency.

Prior to a discussion of the Official Action rejection and the discussions held at the interview, it is believed that a brief description of Applicant's system is beneficial. The subject method is directed to a method for providing discount incentives to potential customers to allow purchase of services or goods from one or more of a wide variety of providers. The potential customer initially selects a particular area of concern and a query is made of a database to locate merchants based on some user criteria such as location, names, or products offered. The merchants who have input their data into the website are located and a list is displayed of merchants which may provide the potential customer with a discount. The customer then selects both the merchant and inputs the customer spending amount to the website. The website then queries the merchant file for a discount matching the potential customer's input. If a discount level is found, this is displayed to the potential customer and the customer determines whether he

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or she will accept the discount offer. If the discount offer is accepted, a coupon based upon the user's input is printed out and is displayed which may be downloaded to the potential customer for the customer's use at a future time.

Alternatively, if the user does not wish to accept the discount level, the potential customer then once again selects a merchant and a customer spending amount and the system loops through the query of the merchant files to obtain a discount level which is acceptable to the potential customer. The looping continues until the potential customer accepts the discount.

The method includes the providers or merchants to set respective discount parameters for issuing discount coupons to the potential customers within the website. However, it is to be particularly noted that the potential customer selects from the set of providers which meet a particular criteria, such as geographic location, product, or merchant name, a provider or merchant from whom they wish to possibly make purchases dependent upon an amount to be spent by the potential customer and determined by the potential customer.

The potential customer then inputs the spending amount and the discount parameters are provided to the potential customer through the website. Thus, the potential customer chooses the provider to whom he or she wishes to purchase the product or services and further determines the amount to be spent upon which the discount is based from the provider or merchant.

This concept as provided in the instant method provides the customer with different options leading to a completely different philosophy of discount spending wherein the customer has the option of choosing a particular provider from a set of providers and then further determining at his or her discretion exactly how much is to be spent. The discount is based upon

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the amount to be spent by the potential customer, and if a provider is found that can provide a discount acceptable to the user, such is provided in a tangible form in the way of a discount coupon which may be downloaded by the potential customer. The present invention affords the customer a greater control as well as flexibility in choosing particular providers that will meet the user's criteria, than that found in the prior art.

The Examiner had rejected Claims 1, 4-8 and 11-14 under 35 U.S.C. § 103 as being obvious in view of the Scroggie et al. Patent 6,014,634 when taken in combination with the Golden et al. Patent 5,761,648 and then further in combination with the Delapa et al. Patent 6,076,068. The Examiner, in the Official Action, had used the Scroggie et al. reference for teaching the steps of providing an internet website to providers to set respective discount parameters for issuing discount coupons to customers and permitting access to the website by the customers to select providers from whom they wish to make purchases.

As pointed out by the undersigned attorney in the interview, it is not believed that customers have the option of selecting providers from whom they wish to make purchases in the Scroggie et al. reference. The Examiner in the Official Action had referred to column 3, lines 10-50, of the Scroggie et al. reference which directs itself to teaching that the customer initially registers at a website and then transmits to such website certain information and then receives at the customer's site a number of incentive offers which are apparently exercisable based upon the customer's postal region.

These incentive offers appear to be in encoded form and does not provide the user with the option of choosing a particular provider as is necessary to the newly inserted independent

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Claim 15 wherein it states “providing access to said website by a potential customer for selecting a provider from said set of providers. . . .” Additionally, the Scroggie et al. reference does not provide or allow the potential customer to determine at his or her computer work station the spending amount which must be queried among a set of providers. Thus, the Scroggie et al. reference does not give the ability to the potential customer for “. . . transmitting a customer spending amount to said website by said potential customer . . .”, as is further necessary to newly inserted independent Claim 15.

In fact, the Scroggie et al. reference after selecting at the customer site one or more of the incentive offers, transmits the selections back to the central site and then generates some type of purchasing incentive containing in encoded form the identity of the retail store selected by the customer and further the identity of the customer. Once this is completed, the incentive is then transmitted to the customer. Thus, the customer does not have any ability to choose whom he or she wishes to do business with as is necessary to the subject application method and system.

The Examiner’s attention is directed to FIG. 9 showing the flow chart of the subject invention concept computer program which permits the full control of the potential customer over that which is being input as a discount. As can clearly be seen in FIG. 9, the potential customer selects the merchants and specifies the amount intended to be spent and then this is queried in the merchant file at the website for discount matching using the potential customer’s input. If a match is found, then a display is made and the potential customer has the ability to accept or reject this input, and then, if rejected simply is given the option of going to a further

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selection of a merchant and an amount to be spent. If accepted, the coupon may be displayed and downloaded at the discretion of the potential customer.

The Examiner had then cited the Delapa et al. reference for teaching a coupon system that creates coupons dynamically from purchase parameters that relate to the customers. The Examiner, in the Official Action, particularly pointed to FIG. 20, item 408, where there is a discount for any purchase greater than \$50.00 and within some type of expiration date. Once again, the Delapa et al. reference, as is the case in the Scroggie et al. reference, only provides for possibly a plurality of discounts which are based upon a predetermined amount input by the merchant. It is not believed that there is any provision for the potential customer to choose the spending amount and then have the discount based upon that spending amount.

Thus, the Delapa et al. reference once again does not provide for "... transmitting a customer spending amount to said website by said potential customer ...", which is defined in newly inserted independent Claim 15. Even if the Delapa et al. reference and the Scroggie et al. reference were placed in combination, the basic philosophy and programming of the website (which is inherent in the method as claimed) would be completely different in that the customer is not provided with the ability to choose the spending amount and then obtain the discount based upon this spending amount. The philosophy, method steps, and programming of a computer to achieve this objective and purpose is completely different in the prior art when taken with respect to the subject Patent Application as now defined by newly inserted independent Claim 15.

The Examiner has used the Golden et al. reference in combination with the Scroggie et al. and Delapa et al. references, however, this reference was not apparently used in the rejection

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arguments, although, the reference was discussed during the interview. As stated at the interview, with regard to the Golden et al. reference, such appears to simply be a method and system to allow consumers to access data on a processing system in an on-line basis and then browse through various certificates. Once the certificates are found to the satisfaction of the user, the certificates may be downloaded to the user. It is believed that the Examiner chose this reference to simply show downloading of discount coupons at the discretion of the customer. However, it is not believed that this provides any method or concept for providing discount incentives to potential customers as defined in newly inserted Claim 15 where it does not allow the customer to transmit a customer's spending amount nor does it provide for the customer's selection of a provider (or merchants) from a set of providers (or merchants).

Thus, neither the Scroggie et al. reference, the Golden et al. reference, nor the Delapa et al. reference whether taken alone or in combination, either provide for the basic philosophy of the method of the subject application or the individual steps as provided in the newly inserted Claim 15 which permits the potential customer to choose a particular provider in combination with choosing and/or opting for a particular amount to be spent. Based upon this combination, the potential customer using the subject application system has the ability of controlling whom he or she is doing business with and further obtaining a discount upon the amount that the customer chooses to spend. None of the references cited by the Examiner, whether taken alone or in combination, are believed to provide for this method.

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Claims 3-7 are ultimately dependent upon newly inserted independent Claim 15 and are believed to show patentable distinction over the prior art for at least the same reasons as previously discussed for newly inserted independent Claim 15.

It is now believed that the subject Patent Application has been placed in condition for allowance, and such action is respectfully requested.

Respectfully submitted,



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Dated: 5/22/03

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